

REMARKS

By the amendments listed above, Claims 46, 61, and 76 have been amended, and Claims 77-80 have been added. Claims 52-53 and 67-68 have previously been canceled. Claims 46-51, 54-66, and 69-80 are currently pending in this application. The Applicants respectfully assert that no new matter has been added, and examination of each claim is respectfully solicited. For the reasons stated below, the Applicants respectfully assert that the application should be allowed.

Claim Rejections Under 35 U.S.C. § 102(e)

According to the final Office Action mailed on December 13, 2007, Claims 46-51, 54-66, and 69-76 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,311,170 to Embrey (“*Embrey*”). As disclosed in *Embrey*, a service provider makes payments, on behalf of the plurality of payor entities, to a plurality of payee entities where a trusted intermediary financial institution periodically receives payment information and payment authorization from the plurality of payor entities. (*See Embrey*, Abstract). The trusted intermediary financial institution automatically transfers funds to the service provider in amounts consistent with payment information that includes (1) an identification of each of the plurality of payee entities; (2) an identification of payment amounts for each of the plurality of payee entities; (3) a payment record identifier (also referred to as a “virtual check number”) which is uniquely associated with each payment; and (4) a character string, known as an “authorization code”, which is uniquely associated with each payment record identifier (such as a “virtual check number”). (*See Embrey*, Abstract; Col. 3, lines 10-41; Col. 8, lines 43-59).

The Applicants respectfully assert that nowhere in *Embrey* does it teach or suggest automatically modifying a customer account number that is not in a format acceptable to a payee to a modified customer account that is acceptable to a payee based on an alteration rule associated with that payee. As a result, *Embrey* fails to teach and/or suggest all of the claim elements of amended independent Claim 46. Specifically, *Embrey* does not teach or suggest:

receiving a consumer account number associated with a payor and a payee, *wherein the consumer account number is not in a format acceptable to*

the payee;

selecting at least one alteration rule associated with the payee, wherein the at least one alteration rule is associated with at least one account number format that is acceptable to the payee;

altering the consumer account number to a modified consumer account number based on the at least one alteration rule associated with the payee

(See Claim 46). Support for the amendments to independent Claim 46 (as well as newly added Claims 77-80) may be found throughout the Applicants' specification including paragraphs 0010, 0014, 0052-0056, etc. According to the Applicants' specification, such functionality (1) corrects unintentional errors that occur when a payor (or administrator) enters an account number associated with the payee during the submission of a payment transaction, and/or (2) ensures that the proper account number formatting is used to allow a payee's system to process the submitted payment. (See *Garrison et al.*, paragraphs 0052-0056). An example of the alteration of a submitted account number as described in amended independent Claim 46 is provided in the specification:

The alteration rules 44 relate to the format of the consumer's account number in which the applicable merchant system requires to process a consumer's payment Alteration by the RPP 3 involves [modifying] the received account number which will be furnished, along with payment, to the merchant. **For instance, some merchant systems require that the consumer's account number always end in "120". Hence, in such a case, the RPP 3, in accordance with programmed instructions stored on the memory 16, modifies the received account number to append "120" to the end of the alpha-numeric sequence of the received account number. Once the account number has been modified so as to conform to the format required by the merchant system, the altered account number 47 is then transmitted from the RPP 3 to the merchant 4 via the network 1, along with the payment, in step 48.**

(*Garrison et al.*, paragraph 56, *emphasis added*).

The Applicants respectfully assert that nowhere in *Embrey* does it teach, suggest, or motivate such functionality. The Office Action cites the use of an authorization code along with payment information identifiers that consist of identifiers for the payment amount, the payee, and

the payment record or “virtual check number” described in *Embrey* as teaching an alteration of a customer account number based on an alteration rule associated with the payee. (See December 13, 2007 Office Action, page 4). However, the Applicants respectfully assert that unlike the process described in amended independent Claim 46, the authorization code utilized in *Embrey* does not modify any preexisting customer account number associated with both a payor and payee. More specifically, the authorization code described in *Embrey* has nothing to do with the alteration of a submitted customer account number that is not in a format acceptable to the payee into a format that is acceptable by the payee. Rather, as stated in *Embrey*, “the authorization code can serve as a password which allows secure verbal communication between the trusted intermediary financial institution(s) and the plurality of payor(s), since the trusted intermediary can request that the purported payor correctly identify the authorization code prior to revealing confidential information.” (*Embrey*, Col. 8, lines 50-59). This password functionality described in *Embrey* does not teach or suggest the functionality described in amended independent Claim 46. Moreover, the inclusion of an authorization code with payment information identifiers as described in *Embrey* is not based on an alteration rule associated with at least one account number format that is acceptable by the payee.

Further, in the “Response to Arguments” section of the December 13, 2007 Office Action, the Examiner contends that the payment information submitted in the *Embrey* system may include various identifiers (e.g., identification of payee entities, identification of payment amounts, and payment record identifiers) and that such identifiers equate to an altered account number based on the alteration rules as defined in the Applicants’ specification. (See December 13, 2007 Office Action, pages 7-8). However, the Applicants respectfully disagree. None of the identifiers specified in *Embrey* constitute *customer account numbers* as described in the Applicants’ pending claims (i.e., the identifiers of payee entities, identifiers of payment amounts, and payment record identifiers or “virtual check numbers” described in *Embrey* do not constitute customer account numbers as described in the Applicants’ pending claims). Further, the addition of an authorization code with the payment identification information described in *Embrey* also does not constitute customer account numbers as described in the Applicants’ pending claims.

Even if we assume, *arguendo*, that the identifiers specified in *Embrey* constituted customer account numbers, *Embrey* does not teach any automatic modification of a submitted customer account number that is not in a format acceptable to the payee based on alteration rules that are associated with the payee, nor does *Embrey* teach or suggest an application of an alteration rule associated with the payee resulting in automatic modification of the submitted account number such that the account number is in the proper format to be transmitted to the payee for processing. Therefore, the Applicants respectfully assert that the functionality described in amended independent Claim 46 is not taught or suggested by the description of identifiers and/or authorization codes in *Embrey*.

For at least the above stated reasons, the Applicants respectfully assert that amended independent Claim 46 is not anticipated by *Embrey* and is in condition for allowance. The Applicants further respectfully assert that amended independent Claims 61 and 76 are also in condition for allowance for at least the same reasons as amended independent Claim 46. Additionally, each of the pending dependent claims are allowable as a matter of law as being dependent on allowable base claims, notwithstanding the independent recitation of patentable subject matter that may be described in one or more of the dependent claims. Therefore, allowance of the pending claims is respectfully solicited.

Applicant: Garrison et al.
Serial No.: 10/043,247
Filed: January 14, 2002
Amendment

CONCLUSION

The Applicants believe they have responded to each matter raised by the Examiner. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

/William T. Cook/
William T. Cook
Attorney for Applicants
Registration No. 58,072

Date: June 13, 2008
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, GA 30309
Telephone: 404-853-8253
Facsimile: 404-853-8806
Attorney Docket No. 23952-0045